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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,375	10/30/2001	Benjamin Richards	ONW-1	2529
20808 7590 08/27/2007 BROWN & MICHAELS, PC 400 M & T BANK BUILDING 118 NORTH TIOGA ST ITHACA, NY 14850			EXAMINER VAN DOREN, BETH	
			ART UNIT 3623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/021,375	Applicant(s) RICHARDS ET AL.	
	Examiner Beth Van Doren	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-13 and 15-18 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final Office action in response to communications received 06/07/2007. Claims 1-8, 10-15, and 17-18 have been amended. Claims 1-18 are pending.

Response to Amendments

2. Applicant's amendments are sufficient to overcome the 35 USC 112, second paragraph, rejections set forth in the previous office action.

Claim Objections

3. Claim 6 is objected to because of the following informalities: misnumbering. Claim 6 is currently labeled as claim 18 in error. Correction is required.

Allowable Subject Matter

4. Claims 5-6 and 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meehan et al. (U.S. 2002/0029187) in view of Kawamura et al. (U.S. 2002/0069141).

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As per claim 1, Meehan et al. teaches a method comprising the steps of:

a) the coordinator issuing a separate identifier for the specifically identified items (See paragraph 9-10, 23, 27, wherein different categories are established by the coordinator/site that identify types of items);

b) the coordinator creating a remotely accessible file describing each of the specifically identified items on a computer site (See paragraphs 9, 19, 23, and 27, wherein a database with files are created on the computer site of the coordinator), in which each item descriptions are associated with an first party. The first user is registered in the system with a profile containing a description of items of interest to the user);

c) the coordinator accepting a listing from a second party of at least one item of one of one of the specifically identified items identified in step (a) for sale at the computer site (See paragraph 9-10, 23, wherein an item is listed for sale);

d) the coordinator notifying the first party associated in step (b) with the specifically identifies item of the listing of the at least one item listed by the second party in step (c) (See paragraphs 23 and 27, wherein the first user is notified of the sale of an item based on the type/category of the item and the specific description of an item).

However, Meehan et al. does not expressly disclose that the item is a shipping platform or that a type of shipping platform is associated with an original shipper per se.

Kawamura et al. discloses a network based tool that allows the ordering and tracking of shipping platforms, the shipping platforms specifically associated with the original first party (See paragraphs 7, 10, 34, 37, which disclose returnable shipping containers associated with a

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first party (such as a merchandiser) wherein the containers are returned to this first party upon request).

Both Meehan et al. and Kawamura et al. are concerned with the movement of goods. Meehan et al. discloses an Internet website for selling items, the items having a distinct description and a user registering with the site and entering a description of an item of interest to the user. Kawamura et al. discloses the item of a shipping platform, where the movement of the pool of reusable shipping containers is associated with the original shipper/first party of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the items (with descriptions) of Meehan et al. are shipping platforms in order to more efficiently facilitate the acquiring of items between parties. See paragraph 9, 23, and 27 of Meehan et al.

As per claim 4, Meehan et al. discloses the sales of an item using a coordinator, as set forth above with respect to claim 1. However, Meehan et al. does not expressly disclose coordinating shipment of the item of shipping platforms from the second party ("end recipient") to the first party ("original shipper").

Kawamura et al. discloses coordinating shipment of the item of shipping platforms from the second party ("end recipient") to the first party ("original shipper") (See paragraphs 7, 10, 17, 20, 32, and 37, wherein return notices are sent to the second party by the first party, which causes the shipping containers to be returned to the first party. See also figure 3).

Both Meehan et al. and Kawamura et al. are concerned with the movement of goods. Meehan et al. discloses an Internet website for selling items, the items having a distinct description and a user registering with the site and entering a description of an item of interest to

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the user. Kawamura et al. discloses the item of a shipping platform, where the movement of the pool of reusable shipping containers is associated with the original shipper/first party of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include that the items (with descriptions) of Meehan et al. are shipping platforms in order to more efficiently facilitate the acquiring of items between parties. See paragraph 9, 23, and 27 of Meehan et al.

As per claims 10-11, Meehan et al. discloses issuing an identification for an item based on a specifically identified item associated with the original user's profile (See paragraph 9-10, 23, wherein an item is listed for sale). Meehan et al. further discloses wherein the file created in step (b) comprises item specifications (See paragraphs 9-10).

However, Meehan et al. does not expressly disclose that the type of item is a shipping platform.

Kawamura et al. discloses the items of shipping platforms which are managed by a network-based system (See paragraphs 7, 10, 34, 37, which disclose returnable shipping containers associated with a first party (such as a merchandiser) wherein the containers are returned to this first party upon request).

Both Meehan et al. and Kawamura et al. are concerned with the movement of goods. Meehan et al. discloses an Internet website for selling items, the items having a distinct description and a user registering with the site and entering a description of an item of interest to the user. Kawamura et al. discloses the item of a shipping platform, where the movement of the pool of reusable shipping containers is associated with the original shipper/first party of the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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the invention to include that the items (with descriptions) of Meehan et al. are shipping platforms in order to more efficiently facilitate the sale of goods between a seller and a buyer interested in a certain category/type of items. See paragraph 9, 23, and 27 of Meehan et al.

7. Claims 2-3, 12-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meehan et al. (U.S. 2002/0029187) in view of Kawamura et al. (U.S. 2002/0069141) and in further view of Chep. The following disclose aspects and features of Chep:

- i. Screenshots of Chep.com (www.chep.com) retrieved from archive.org, dated 6/20/2001 (referred to herein as reference C);
- ii. Article "Outlook for Third-Party Management" by LeBlanc, dated 03/01/1999 (referred to herein as reference D).

As per claims 2-3, neither Meehan et al. nor Kawamura et al. expressly disclose and Chep discloses, after step (a), of marking the identification with a symbol representing a coordinator onto a plurality of the specifically identified shipping platforms (See reference C, page 3, section 1, pages 4-5, page 6, section 1, wherein a plurality of shipping platforms are marked with a symbol/CHEP logo).

Both Meehan et al., Kawamura et al., and Chep are all concerned with the movement of goods. Meehan et al. discloses an Internet website for selling items, the items having a distinct description. Kawamura et al. discloses that the managed by the network-based system is a shipping platform, where the shipping containers are associated with the original shipper/first party of the system. Finally, Chep discloses that shipping platforms are labeled with an

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identification mark. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include issuing identification for the item of the system of Meehan et al. in order to more efficiently identify the category of assets to the buyers that meet the buyers' specifications.

However, while Chep discloses marking the platform with a logo, Chep.com does not expressly disclose that the logo includes marking the address for the computer site on the specifically identified shipping platforms.

Chep also discloses the reuse and exchange of shipping platforms, the platforms being marked by a logo for identification. Labeling a product with a logo including a website address is well known in e-commerce as a way to pass on information to a user concerning the product. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a website address in the logo of Chep in order to increase the recognition and knowledge of the platform by providing a means to identify and locate information concerning the platform. See reference C, page 6, that discusses identifying markings on the shipping platforms.

As per claim 12, claim 12 recites substantially similar limitations to claims 1 and 2 above and is therefore rejected using the same art and rationale set forth above. Further, Kawamura et al. discloses c) shipping products on at least some of the plurality of shipping platforms to at least one end recipient (See paragraphs 7, 12, 34, and 37 and figure 3, which discloses shipping products on reusable shipping platforms).

Meehan et al., Chep, and Kawamura et al. are combinable for the same reasons and motivation set forth above with respect to claims 1 and 2.

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Claims 13 and 17-18 recite substantially similar limitations to claims 3 and 10-11, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 15 and 16, Meehan et al. does not expressly disclose repair standards associated with the listed items. Kawamura et al. discloses that the items are specifically identified shipping platforms and a network based tool that allows the ordering and tracking of shipping platforms, the shipping platforms specifically associated with the original first party (See paragraphs 7, 10, 34, 37, which disclose returnable shipping containers associated with a first party (such as a merchandiser) wherein the containers are returned to this first party upon request). However, Kawamura et al. does not expressly disclose information on repair standards for the shipping platforms, wherein the shipping platforms are repaired in accordance with the repair standards in the file including shipping platform specifications.

Both Meehan et al. and Kawamura et al. are concerned with the movement of goods. Meehan et al. discloses an Internet website for selling items, the items having a distinct description and a user registering with the site and entering a description of an item of interest to the user. Kawamura et al. discloses the item of a shipping platform, where the movement of the pool of reusable shipping containers is associated with the original shipper/first party of the system. Examiner takes official notice that it is old and well known in the art of reusable shipping containers to include repair standard information in order to ensure that the shipping platforms are up to certain specifications. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include repair standards for the shipping containers of Kawamura et al. in order to increase reusability and user confidence in the product (i.e. platforms) by presenting the standards used to maintain the products.

8. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meehan et al. in view of Kawamura et al. (U.S. 2002/0069141) and in further view of Canadian Pallet Council (CPC) (www.cpcpallet.com). The references used to disclose the aspects of Chep.com and Tradeout.com are set forth above.

As per claims 7-9, Meehan et al. does not expressly disclose repair standards associated with the listed items. Kawamura et al. discloses that the items are specifically identified shipping platforms and a network based tool that allows the ordering and tracking of shipping platforms, the shipping platforms specifically associated with the original first party (See paragraphs 7, 10, 34, 37, which disclose returnable shipping containers associated with a first party (such as a merchandiser) wherein the containers are returned to this first party upon request).

However, Kawamura et al. does not expressly disclose information on repair standards for the shipping platforms, wherein the shipping platforms are repaired in accordance with the repair standards in the file.

CPC discloses presenting and storing information on repair standards for the shipping platforms on a computer site, wherein the shipping platforms are repaired in accordance with the repair standards (See page 2, section 1, page 4, section 1, page 6, section 1, page 7, page 8, which disclose repair information and standards, wherein qualified persons repair the shipping platforms in accordance with the standards). CPC further discloses that this file includes repair standards that comprise at least one item selected from a list comprising: a description of repair policy; general guidelines; stringer board repairs; excessive wear and tear and contamination;

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nails and hardware; and lumber that can be used to repair the shipping platforms (See page 2, section 1, page 4, section 1, page 6, section 1, page 7, page 8, which discusses the uniform specifications of the pallet, used in repairs, such as repair policy, contamination, nails and hardware, etc.).

Meehan et al. and Kawamura et al. are combinable for the reasons set forth above. Further, Kawamura et al. is specifically concerned with returnable and reusable shipping containers. CPC discloses repair standard information for reusable shipping platforms. It would have been obvious to one of ordinary skill in the art at the time of the invention to include repair standards for the shipping containers of Kawamura et al. in order to increase reusability and user confidence in the product (i.e. platforms) by presenting the standards used to maintain the products of the third party manager.

Response to Amendments

9. Applicant's arguments with regards to the 35 USC 101 have been fully considered.

Applicant argues in the current remarks that the coordinator is not a person, but rather computer implemented and associated with a web site. These arguments are persuasive and Examiner is interpreting the coordinator to be computer-implemented.

10. Applicant's arguments with respect to the 35 USC 103 rejections of claims 1-4, 7-13, and 15-18 have been considered but are moot in view of the new ground(s) of rejection set forth above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kroon et al. ("Returnable containers: an example of reverse logistics") teaches returnable packages and return logistics systems.

"The Container Cost" (Economist) discusses B2B exchanges where containers are exchanged.

Andel ("It's a two way stream") discloses logistics systems for packaging reuse and recycling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wd
bvd

August 19, 2007

Beth Van Doren
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PRIMARY EXAMINER
AU 3623